

**JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS**  
455 Golden Gate Avenue  
San Francisco, California 94102-3688

**Report**

TO: Members of the Judicial Council

FROM: Civil and Small Claims Advisory Committee  
Hon. Douglas P. Miller, Chair  
Patrick O'Donnell, Committee Counsel  
Small Claims and Limited Cases Subcommittee  
Hon. Mary Thornton House, Chair  
Cara Vonk, Subcommittee Counsel, 415-865-7669  
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DATE: August 29, 2002

SUBJECT: Fee Waiver Forms *Order on Application for Waiver of Court Fees and Costs* and *Order on Application for Waiver of Additional Court Fees and Costs* (revise forms 982(a)(18) and 982(a)(18.1)) (Action Required)

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Issue Statement

The clerk/administrator of the Court of Appeal, Second Appellate District, requested more space on the *Order on Application for Waiver of Court Fees and Costs* (form 982(a)(18)), items 3e and 4, for inserting a statement of reasons denying in whole or in part the application for a fee waiver. He provided samples of completed forms showing creative methods used by courts to squeeze in (or not) the typewritten reasons by using highly abbreviated words. Some courts have resorted to using an asterisk to indicate that the reasons are continued elsewhere on the page, sometimes in the margin. If a fee waiver denial is appealed, the appellate court may find it difficult to decipher the superior court's basis for denial when there is insufficient space on the form for stating the reasons for the denial. The same issue would apply to form 982(a)(18.1), the *Order on Application for Waiver of Additional Court Fees and Costs*, when a request for waiver of fees that might be incurred later in the case such as for jury fees, court appointed interpreter's fees, or court reporter fees is denied, and there is insufficient space on the form to give reasons for the denial.

Recommendation

The Civil and Small Claims Advisory Committee recommends that the Judicial Council, effective January 1, 2003, revise the fee waiver forms *Order on*

*Application for Waiver of Court Fees and Costs* (form 982(a)(18)) and *Order on Application for Waiver of Additional Court Fees and Costs* (form 982 (a)(18.1)) to (1) provide an option for stating “other” reasons for denying in whole or in part an application for a fee waiver on page 2 of each form, (2) add an optional box to indicate that the court address for an evidentiary hearing on the application is the same as in the caption on the form, and (3) add “Clerk” to the signature line as an option with the statement “(Clerk may GRANT in full a nondiscretionary fee waiver; see Cal. Rules of Court, rule 985(d)).”

The proposed revised forms are attached at pages 5-8.

#### Rationale for Recommendation

##### *Providing space for reasons for denial*

The committee created additional space under item 4 on the forms for writing in reasons for a partial or whole denial of the requested fee waiver. Item 3e (denied in part) and item 4 (denied in whole) on the current form were combined and two option boxes were added under item 4. The first option is denial in whole or in part on the ground that the “monthly household income exceeds guidelines (Gov. Code, § 68511.3(a)(6)(B); form 982(a)(17)(A)),” which is frequently the reason for denying a requested fee waiver. The second option is “Other” with reasons for the denial to be specified on page 2 of the forms. Page 2 provides adequate space for writing in reasons for the denial, which should help the Court of Appeal determine the basis for denial of a requested fee waiver. Because of the high volume of fee waivers, providing space for reasons for the denial on the reverse of the forms instead of on a separate attachment should expedite processing of the applications and orders.

##### *Adding optional box for court address*

To conserve space on the front of the forms, item 5c was revised to add an optional box to indicate that the court address is the “same as above” in the caption of the form. Without this addition, the address would have to be written out again if the evidentiary hearing on the application were to be held in the same location as the court address indicated in the caption. Court clerks have consistently requested that key information be retained on page 1 of the form to expedite processing of large volumes of these forms.

##### *Adding clerk signature for granting fee waiver*

The committee noted that there is no provision for the clerk to sign the order granting a non-discretionary fee waiver and proposed to add “Clerk” to the signature line. The clerk may *grant* nondiscretionary fee waivers under Government Code § 68511.3(a)(6)(A) or (B) and under rule 985(d) of the California Rules of Court for applicants who are receiving public assistance or whose monthly income is 125 percent or less of the currently monthly poverty line. The clerk is not, however, authorized to *deny* an application for a fee waiver.

In response to comments received, a statement under the signature line was added to read: “(Clerk may *GRANT in full a nondiscretionary fee waiver*; see *Cal. Rules of Court, rule 985(d)*).” Providing a clerk’s signature line for granting applications of qualified applicants may assist in expediting these case filings. Optional boxes have been added to the judicial officer and clerk signature lines, to indicate which of the two has signatory authority and to avoid the impression that both signatures are required on the order.

#### Alternative Actions Considered

Although the forms could have been left unchanged, the problems experienced by the Court of Appeal would not have been resolved. The invitation that circulated for comment requested the public to comment on alternative options of putting reasons for the denial on a separate attachment sheet or on the reverse of the forms. All who responded on this issue preferred that reasons for denial to be put on page 2 of the forms.

#### Comments From Interested Parties

Of the 27 comments received, 14 (nine court staff, 2 bar representatives, and three legal aid attorneys) agreed with the forms that circulated. No one disagreed with the forms. Twelve commentators (two judicial officers, six court staff, and four legal aid attorneys) agreed with the forms if they were modified.

The committee incorporated several suggestions for technical amendments made by commentators, such as making the wording in both items 3e and 5d consistent to read, “The clerk is directed to mail a copy of this order only to the applicant’s attorney or to the applicant if unrepresented” rather than just to the applicant as is currently stated under item 5d. The committee changed “litigant” to “applicant” under item 3d, consistent with the application process and title of form 982(a)(17), *Application for Waiver of Court Fees and Costs*.

The committee also deleted “(*small claims only*)” after the optional waiver of a court-appointed interpreter fee on form 982(a)(18) (item 3b(5)) consistent with the holding of *Gardiana v. Small Claims Court* (1976) 59 Cal.App.3d 412. This would allow the court to order an interpreter for any qualified applicant, not just a qualified small claims applicant. Court-appointed interpreter fees for witnesses may already be waived. (See form 982(a)(18.1), item 3b(2).) The committee will refer the question of reimbursing the court for these costs to the council’s Court Executives Advisory Committee and Court Interpreters Advisory Panel for review and recommendation.

Two legal assistance providers commented on local practice by court clerks in their respective counties of denying in part (or granting in part) a fee waiver request or of turning away an applicant with instructions to return to the court with additional information to support the fee waiver request. The committee has

clarified the clerk's role in reviewing an application by adding text under the clerk's signature line to read, "*(Clerk may GRANT in full a nondiscretionary fee waiver; see Cal. Rules of Court, rule 985(d)).*" In addition, staff will prepare a cover memorandum to send out with the revised forms if adopted by the council, to inform courts of recent changes to rule 985 of the California Rules of Court. Rule 985 clarifies that the court clerk or financial officer may not require additional documentation of a fee waiver applicant's financial condition unless the applicant failed to provide the information required by the application (no additional information is required when the applicant certifies under penalty of perjury that he or she is receiving public assistance) or the court has good reason to doubt the truthfulness of the factual allegations. Rule 985 also requires that the court must inform the applicant of the information that the court believes may not be truthful and the court may require only such documentation that will clarify or prove the truthfulness of the factual allegations in the application. The staff memorandum to the courts also will clarify that the grant of a partial waiver is a partial denial that can be issued only by a judicial officer. The court must give reasons when it grants in part the fee waiver application. (See items 3 and 4 on forms 982(a)(18) and 982(a)(18.1).)

The committee agreed to review in the future several related suggestions made by commentators of (1) tailoring separate fee waiver forms to different case types, (2) consolidating these two fee waiver order forms, (3) revising the application form (form 982(a)(17)) to clarify that when the nondiscretionary fee waiver boxes are checked, the applicant automatically qualifies for a fee waiver and the rest of the form must not be completed, and (4) providing confidentiality for fee waiver *orders* in addition to the application forms that are already confidential under Government Code section 68511.3.

A chart summarizing the comments and responses is attached at pages 9–18.

#### Implementation Requirements and Costs

Courts may incur some costs in copying the revised forms and making them available to the public. However, the changes to the forms, including the addition of a clerk's signature for granting in full the application to qualified applicants, should expedite processing of the forms and save time. It is assumed that courts do not maintain overly abundant stocks of fee waiver forms because they are frequently amended, including the application form, which is revised annually to incorporate increased federal poverty income guidelines.

#### Attachments

- |   |
|---|
| <p><b>NOTICE:</b> If item 3d or item 5b is filled in and the applicant does not attend the hearing, the court may revoke or change the order or deny the application without considering information the applicant wants the court to consider.</p>               |
| <p><b>WARNING:</b> The applicant must immediately tell the court if he or she becomes able to pay court fees or costs during this action. The applicant may be ordered to appear in court and answer questions about his or her ability to pay fees or costs.</p> |

Form Adopted for Mandatory Use  
Judicial Council of California  
982(a)(18) [Rev. January 1, 2003]

**ORDER ON APPLICATION FOR WAIVER OF  
COURT FEES AND COSTS (In Forma Pauperis)**

Government Code, § 68511.3;  
Cal. Rules of Court, rule 985

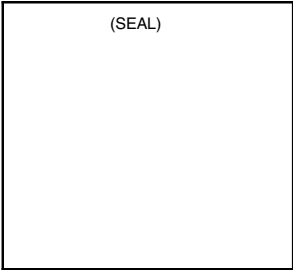
PLAINTIFF/PETITIONER (Name):	CASE NUMBER:
DEFENDANT/RESPONDENT (Name):	

4b ☐ Application is denied in whole or in part (specify reasons):

CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the foregoing was mailed first class, postage prepaid, in a sealed envelope addressed as shown below, and that the mailing of the foregoing and execution of this certificate occurred at (place): , California, on (date):

	Clerk, by _____, Deputy
<div></div>	<div></div>
<div></div>	<div></div>



CLERK'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the original on file in my office.

Date: Clerk, by \_\_\_\_\_, Deputy



PLAINTIFF/PETITIONER (Name): _____	CASE NUMBER:
DEFENDANT/RESPONDENT (Name): _____	

4b ☐ Application is denied in whole or in part (*specify reasons*):

### CLERK'S CERTIFICATE OF MAILING

I certify that I am not a party to this cause and that a true copy of the foregoing was mailed first class, postage prepaid, in a sealed envelope addressed as shown below, and that the mailing of the foregoing and execution of this certificate occurred at  
 (place): \_\_\_\_\_, California,  
 on (date): \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy

_____	_____	_____	_____
_____	_____	_____	_____

### CLERK'S CERTIFICATE

I certify that the foregoing is a true and correct copy of the original on file in my office.

Date: \_\_\_\_\_

Clerk, by \_\_\_\_\_, Deputy

(SEAL)



Comments for SPR02-19  
Fee Waiver Orders

	Commentator	Position	Comment on behalf of group?	Comment	Committee Response
1.	Andrea Agloro Executive Director Sonoma County Legal Aid	A	N		No response necessary.
2.	Sandy Almansa Supervising Legal Clerk II Superior Court of California, County of Stanislaus	A	N		No response necessary.
3.	Mia A. Baker Leg. Subcommittee Chair The State Bar of California Standing Committee on the Delivery of Legal Services	A	Y	. . . the Committee wishes to extend its thanks to the Judicial Council for your efforts in promulgating these proposals.  . . . the Standing Committee reviewed, approved, and strongly supports [this proposal].	No response necessary.
4.	Hon. Ronald L. Bauer Chair Rules and Forms Committee Superior Court of California, County of Orange	AM	Y	The Rules and Forms Committee of the Orange County Superior Court reviewed the proposal and approved the following comments submitted by Judge Gail A. Andler:  Item 4.d.: It is recommended that the wording be replaced with the wording in Item 3.e.          It is recommended that the captions on both forms, 982(a)(18) and 982(a)(18.1), be consistent, with subheadings included.	The committee recommended that 4d remain as it is on the current form. If the application is denied, notice to all parties alerts the opposing party that filing of the document may be vacated if the fees are not paid. See also the committee's response to commentator number 12.          The committee recommended that titles of the order forms remain as is. The current order form for waiver of additional court fees (form 982(a)(18.1)) includes a

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				Item 5.d.: It is recommended that the wording be replaced with the wording in Item 3.e.	reference to “(Cal. Rules of Court, rule 985(j))” in the title. There is no similar reference on the order form (form 982(a)(18)). However, there is a reference to rule 985 in the lower right hand corner of both forms. The order for additional fees is used less frequently and the title highlights the difference between the two forms that look quite similar.  The committee agreed. Item 5d provides that an order for a hearing be mailed “to the applicant only.” The committee changed the form so that both provisions now read, “The clerk is directed to mail a copy of this order only to the applicant’s attorney or to the applicant if not represented.”
5.	Harlean Carroll Probate Attorney Superior Court of California, County of Los Angeles	AM	N	This form should be simplified. It is a very busy form. I suggest that a fee waiver form be drafted for the different courts in which it is presented. Many times, the Probate court is presented with the problem where a party can only pay so much and that can only be paid over a period of time. We have modified the order to provide for those situations. Normally, we do not waive fees in the Probate of decedent’s estate area or in other areas where there is an estate involved, such as a guardianship or conservatorship of the estate, or a trust, but rather defer until the party receives his share of the estate or the fiduciary is appointed and is able to pay the fees. It would be very helpful to have a paragraph that would indicate that	The form is very compact because clerks and judicial officers have requested that most of the information remain on the front of the form to expedite processing. Many forms are processed daily. The current form supports an immediate partial payment and installment payments over time. Under item 3c(1), the judge may strike “percent,” which leaves space for inserting payment due now, and the judge may complete “(2)” for the remainder of the payment schedule over time. With the proposed amendment to put “other” on page 2 of the form, the deferral process can also

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Comments for SPR02-19  
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				<p>helpful to have a paragraph that would indicate that such fees are deferred.</p> <p>However, in the protective proceedings where peoples' lives are threatened, we must make the decision to protect the person and waive the fee. If the form is retained for all departments of the Court, it is suggested that (1) paragraph 3a allow for space to define the different expenses in the different courts. For instance, oftentimes, our staff inserts waiver of the court investigator fee to alert the other departments of the Court what has been waived; (2) paragraph 3c be enlarged to allow for both a partial cash payment and balance to be paid over a period of time; (3) paragraph 3d should refer to applicants, not litigants; (4) paragraph 3 and 4 are unclear (if the application is granted in part, it appears that paragraph 4 also has to be checked and a reason stated; it appears that the "other" option of paragraph 4b should be stated on the reverse side of the order because it is less likely to get lost). The balance of the revisions appear ok, except there should be some instruction or caveat on the order stating that when the clerk signs the order, the clerk may grant nondiscretionary fee waivers.</p>	<p>be accommodated.</p> <p>Waiver of investigator fees can be accommodated on the form under 3b(9) and on the form waiver of additional court fees and costs under item 3b(5) and (6). The partial cash payment can be accommodated by striking the percent sign. The committee agreed that item 3d should refer to "applicants" and not "litigants." Yes, an application granted in part is also a denial in part and reasons must be provided under item 4. The committee agreed that "other" reasons should be provided on page 2 of the form. The committee agreed that a caveat should be stated under the clerk's signature line and made that proposed amendment on the form.</p> <p>The committee agreed to put the issue of separate fee waiver forms for different types of court proceedings on its work plan for future study.</p>
6.	Bettie Carter Supervising Legal Clerk I Family Law Division Superior Court of California, County of Stanislaus	A	N		No response necessary.
7.	Cynthia Denenholz	AM	N	The designated place to set forth "other" reasons for a	The committee agreed that "other" reasons

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Comments for SPR02-19  
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	Child Support Commissioner Superior Court of California, County of Sonoma			denial of fee waiver application should be on the back of the (tumbled) form, and not on an attached piece of paper. One sheet of paper for the entire order would make its processing simpler for both the judicial officer and the clerk.	should be put on page 2 of the form and not on a separate attachment.
8.	Sue DuFour Supervising Legal Clerk II Superior Court of California, County of Stanislaus	A	N		No response necessary.
9.	George Ducich Forms and Rules Coordinator Superior Court of California, County of San Diego	AM	N	Request that "Attachment 4" be placed on back of the form.	The committee agreed that "other" reasons should be put on page 2 of the form and not on a separate attachment.
10.	Neal S. Dudovitz Executive Director Los Angeles County Neighborhood Legal Services	AM	Y	<b>Order on Application for Waiver of Court Fees and Costs (form 982(a)(18)):</b> Item 3b.(5) the "small claims only" language should be deleted as the low-income litigants should have the opportunity to have the interpreter fees waived in other civil litigation.	The committee agreed that the holding in <i>Gardiana v. Small Claims Court</i> (1976) 59 Cal.App.3d 412 is not limited to small claims cases. A court administrator member of the committee will research reimbursement to the court of interpreter fees waived and paid for by the court.
11.	Deena Fawcett Clerk/Administrator Court of Appeal, Third Appellate District	A	N		No response necessary.
12.	Jon Givner Staff Attorney Legal Services of Northern California	AM	Y	. . . We believe that the revisions suggested in the Judicial Council's SPR02-19 will be useful, but I am writing to suggest an additional revision to the fee waiver forms. <b>Forms 982(a)(18) and 982(a)(18.1):</b> As you may	Government Code section 68511.3 provides that financial information provided to the court is confidential. Therefore applications are kept confidential but not court orders. However, the committee

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Comments for SPR02-19  
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				<p>know, a number of courts in the state do not maintain the confidentiality of fee waiver orders. While litigants' applications for fee waivers generally remain sealed in court files, the orders granting or denying the fee waiver applications are open to the public in these courts . . . we believe this practice is both unlawful and harmful to the low income residents of the state. For this reason, we request that the Judicial Council revise forms 982(a)(18) and 982(a)(18.1) to state "This form must be kept confidential."</p> <p>See attached letter.</p>	<p>agreed to put the issue of confidential fee waiver orders on its work plan for future study.</p>
13.	Keri Griffith Court Program Manager Superior Court of California, County of Ventura	AM	N	A place for the judge to write reasons for denial should be on the reverse of the order.	The committee agreed that "other" reasons should be put on page 2 of the form and not on a separate attachment.
14.	Stephanie Harbin Supervising Legal Clerk II Superior Court of California, County of _____	A	N		No response necessary.
15.	Judith R. Klein-Pritchard Assistant Director for Legal Services Center for Family Solutions County of Imperial	A	N		No response necessary.
16.	Sandra Mason Director of Civil Operations Superior Court of California, County of San Luis Obispo	AM	N	#4 either provide a blank attachment or drop down the certificate of mailing and insert a comment area.	The committee agreed that "other" reasons should be put on page 2 of the form and not on a separate attachment.

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17.	Lori Meseke Judicial Council Liaison Chair San Joaquin County Bar Association	A	N		No response necessary.
18.	Vickie Mummert County of _____	AM	N	The space for “case number” should be enlarged by at least one line space to accommodate number stamps and for legibility on both forms.	The committee agreed to increase the case number space of the form.
19.	Andrea Nelson Deputy Court Executive Officer Superior Court of California, County of Butte	A	N		No response necessary.
20.	May Nickles Supervising Courtroom Clerk Superior Court of California, County of Stanislaus	A	N		No response necessary.
21.	Lenor R. Noll Deputy Court Executive Officer Superior Court of California, County of Monterey	A	N		No response necessary.
22.	Nancy Palandati Regional Migrant Attorney California Rural Legal Assistance County of Sonoma	A	Y	We support the changes to the fee forms . . . oftentimes, a clerk does not know or will not tell an applicant the reasons for denial, resulting in unnecessary delays and potential defaults, which later require more time and energy (by both the parties and the court) to rectify.  While not specifically contained in the proposal, we would also strongly urge specific protections to Fee Waiver Applications and Orders (as well as for	See committee’s response to commentator 12, above.

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Comments for SPR02-19  
Fee Waiver Orders

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				“Additional” applications and orders), so that they remain truly confidential. While in Sonoma County the filed applications and orders are placed in a unmarked envelope and removed from the file where someone other than the applicant or their attorney is looking at the file, the fact that a party has applied for and received (or has been denied) such an application is listed in the computer, available to the public. This is prohibited by rule 985(h). As a result, we have been informed that tenant screening services have obtained and promulgated this confidential information to its customers. In unlawful detainer actions, landlords and their attorneys have used this information to claim that defendant tenants are unable to pay rent.	
23.	Lee Silva-Combs Deputy Court Executive Officer Superior Court of California, County of Monterey	A	N		No response nessary.
24.	Richard K. Uno Managing Attorney Human Rights/Fair Housing Commission County of Sacramento	AM	N	Having a hearing on a Fee Waiver Application in an unlawful detainer action may be impractical.	Committee members noted that these are routinely processed in shortened time.
25.	Charlene Walker Divison Manager Superior Court of California, County of Sacramento Carol Miller Justice Center	AM	Y	A large number of these applications are denied due to insufficient proof by the applicant. It would be helpful to add another box under 4(b) so that a judicial officer can indicate that the application was denied for insufficient proof. It would be preferable NOT to use	The committee noted that this can be accomplished on the form under 4b “other.” The committee agreed that “other” reasons should be put on page 2 of the form and not on a separate attachment.

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				an attachment for the “other” reason why the application is denied.	
26.	Kristen Washburn Assistant Managing Attorney Legal Assistance for Seniors County of Alameda	AM	Y	<p>Our agency’s advocates strongly agree with the proposed changes, but would ask for some additional modifications. In Alameda County courts, court staff regularly deny applications for fee waivers, either whole or in part, and either formally or informally, in violation of rule 985(d). Clerks, and sometimes judges, typically ask applicants for proof of public benefits, even when the applicant has provided a SSN, and for a complete income and expense accounting, even when the applicant receives public benefits. Clerks refuse to accept applications without this additional information, effectively denying the request.</p> <p>Court staff also grant partial waivers in every case, without exception, again even when the applicant received public benefits. A partial waiver is a partial denial, and should violate rule 985(d). We regularly see denials or partial denials with no explanation. Changes to the forms are essential. Although the forms appear to set out the rules very clearly, they are apparently not quite clear enough for all court staff. While local legal service agencies have repeatedly met with different judges and court staff to resolve these problems, the same issues continue to re-emerge. Based on these experiences, our advocates suggest the following:</p>	<p>The committee suggested that the court be advised of recent rule 985 amendments to correct this practice. Staff could provide a short cover memorandum with the revised forms advising courts of the recent rule 985 amendments to clarify that an applicant is not required to submit documentation to support receipt of public assistance benefits as set forth in the application under penalty of perjury.</p> <p>The committee agreed that a partial waiver is a partial denial that can only be granted by the court with reasons given.</p>

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Comments for SPR02-19  
Fee Waiver Orders

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				<p>(1) Create two separate categories for Granted in Full and Granted in Part.</p> <p>(2) After the Granted in Full section add language such as: “because the applicant receives financial assistance or has a monthly income less than the amount shown on the Information Sheet or for other reasons.”</p> <p>(3) Part 4(b) refers to Attachment 4—we would suggest adding a section to the end of the form, not a separate document. If this section is on the form, judicial officers will actually use it, but they may not take the time to locate and prepare a separate form. There appears to be room on the back of the form.</p> <p>(4) We are glad to see the words “or clerk” added to the bottom of the order, but fear that such a reference to rule 985(d) will not clarify the clerk’s role sufficiently. We would like to see text or a summary of the rule added to this line, e.g., “Per Cal. Rule of Court 985(d), the Clerk may grant the application but may not deny a fee waiver.”</p> <p>(5) We would also ask that the Judicial Council consider changes to the <i>Application for Waiver of Court Fees and Costs</i>, 982(a)(17), because most of the problems in our courts begin with this form. In particular, clarification of #4 and #6 would help many applicants and court clerks understand the rules. For instance, under #4, the form could read: “STOP. DO NOT COMPLETE THE REST OF THIS FORM.</p>	<p>The committee believed that there is insufficient room on the form for two categories. The item (2) suggestion is duplicative of what is currently on the form.</p> <p>The committee agreed with item (3) that “other” reasons should be put on page 2 of the form and not on a separate attachment.</p> <p>The committee agreed and has clarified the clerk’s role as suggested by the commentator.</p> <p>The committee has taken this suggestion under consideration by putting it on its work plan for future study.</p>

Comments for SPR02-19  
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				Under rule of court 985(d), you qualify for an automatic waiver of court fees.”	
27.	Alicia Valdez Wright Director of Legal Services Harriett Buhai Center County of Los Angeles	AM	Y	<p>We agree with the addition of items 4(a) and 4(b). We propose, however, that instead of providing for an attachment upon which to continue stating the reasons for a denial, a section be added to the reverse of the form for this purpose. This will allow for the use of one form instead of two, which would simplify the court’s use of the form.</p> <p>We do not agree with the proposal to add “or clerk” to the signature line of the order. The commentary to this proposal acknowledges that the clerk has no authority to deny a fee waiver application. The signature line to which “or clerk” is added comes at the very bottom of the form, after various check-off boxes including an option for denying the application. There is nothing on the form that says the clerk cannot sign off on a denial order. Already, in Los Angeles County, it is not uncommon for clerks to turn away parties, without accepting their fee waiver applications and without a hearing date, with instructions to return with additional information for review of their applications. Adding “or clerk” to the signature line may inadvertently give clerks a greater sense of power to wield discretion they do not have. Neither Government Code sections 68511.3(a)(6)(A) or (B) nor rule 985(d) of the California Rules of Court requires the clerk’s signature on the order. There is no reason to do so now. In Los Angeles County the clerk has been authorized to stamp the judge’s signature on the order</p>	<p>The committee agreed that “other” reasons should be put on page 2 of the form and not on a separate attachment.</p> <p>The committee took care of this concern by clarifying the clerk’s authority. Under the clerk’s signature line has been added a line that reads, “Clerk may GRANT in full a nondiscretionary fee waiver; see Cal. Rules of Court, rule 985(d).”</p>

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